

Attachment Six (6)

Committee on Domestic Violence Agenda
February 28, 2019

Contents: AB19, AB41 & AB60 Summaries

Domestic Violence Bills Summary

AB19: Revises Provisions Regarding Orders for Protection

- Gives priority to service of a temporary order for protection by law enforcement.
- Extends expiration of temporary order for protection from 30 days to 45 days.
- Extends expiration of extended order of protection from 1 year to a maximum of 5 years.
- Proposed amendment removes 48-hour service requirement for service of eviction notices which has delayed the service of temporary orders for protection in the past.
- Increases criminal penalties for violations of extended orders for protection.
- Renames the Repository for Information Concerning Orders for Protection Against Domestic Violence to the Repository for Information Concerning Orders for Protection.
- Requires orders for protection for stalking, aggravated stalking, or harassment to be transmitted to the Repository in addition to orders regarding domestic violence.
- Information in the Repository will be available to law enforcement agencies in Nevada, the federal government, other states, and under tribal jurisdiction.

AB41: Revises Provisions Regarding Fictitious Address Program Participants

- There have been situations where “named entities” (defined as cable service providers, Internet service providers, state agencies, and local governments) release the home address of a fictitious address program participant and/or do not ensure appropriate safeguards of this information.
- Some fictitious address program participants have been concerned about purchasing a home out of fear that his or her home address will become part of the county assessor’s publicly available information.
- Revises provisions to ensure that named entities keep the home address, telephone number, and image confidential for fictitious address program participants, if fictitious address program participants notify the named entity to keep that information confidential.
- Provides a private cause of action to a fictitious address program participant if the named entity does not comply.
- Clarifies in the amendment that only the Division of Child and Family Services of the Department of Health and Human Services may release the home address or other information about a fictitious address participant and only upon the requirements outlined in NRS 217.464.

AB60: Revises Provisions Relating to Domestic Violence

- Nevada consistently leads the nation in domestic violence fatalities.
- A Nevada woman's chances of being assaulted by her partner at home are higher than the risk a police officer faces of being assaulted on the job.
- An estimated 24.4% of Nevada women will experience stalking in their lifetime.
- Clarifies the crimes that may constitute domestic violence as defined in NRS 33.018.
- Requires the perpetrator of a crime constituting domestic violence to pay a \$35 fee that goes into the Account for Programs Related to Domestic Violence created by NRS 228.460.
- Current law requires only perpetrators of battery constituting domestic violence to pay this \$35 fee. Expanding the scope of crimes wherein this fee must be paid, recognizes the myriad of ways that perpetrators abuse their victims and allows the Account to receive increased funding to pay for programs to help victims and reduce domestic violence in our State.
- Increases penalties for batteries and strangulation against victims who are pregnant if the perpetrator knew or should have known that the victim was pregnant.
- Allows murder in the first degree to be aggravated if the murder involved an act that constitutes domestic violence, the victim was pregnant, and the perpetrator knew or should have known that the victim was pregnant.
- Increases penalties for domestic violence convictions, in general.
- Increases penalties for domestic violence batteries that cause substantial bodily harm.
- With the amendment, clarifies that justices of the peace and municipal judges must sentence perpetrators of misdemeanor domestic violence convictions to a program for the treatment of persons who commit domestic violence, as outlined in NRS Chapter 200 for the underlying crime.
- Allow the Court to consider it an aggravating factor for the purpose of determining a perpetrator's sentence if a battery constituting domestic violence was committed in the presence of a child under age 18.
- Updates penalties for stalking and clarifies the definition of stalking. Adds a "reasonable person" to the standard for determining whether conduct constitutes stalking.
- Increases the penalty for stalking a victim under the age of 16.
- Makes minor changes to NRS Chapter 228, governing the Committee on Domestic Violence.